

## **REMARKS**

### **Allowable Subject Matter**

In the Office Action, the Examiner states that Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants have now done so for Claims 2-6, 9 and 10. Claims 7, 8, and 11 are dependent on these claims. Therefore, Claims 2-11 should be allowable.

Claim 3 previously stated that it was dependent on Claims 1 or 2. Applicants have amended Claim 3 to include all of the limitations of Claim 1 and have added new dependent Claim 12 to be dependent on independent Claim 2 and include the feature of prior Claim 3. Hence, no new matter is being added, and it is respectfully requested that this new claim be entered and allowed.

If any fee should be due for this new claim or the amendments to the claims, please charge our deposit account 50/1039.

Accordingly, Claims 2-12 are in a condition for allowance, and it is respectfully requested that these claims be allowed.

### **Claim Rejections - 35 USC §103**

The Examiner rejects Claim 1 under 35 USC §103(a) as being unpatentable over Yi et al. (U.S. 6,670,649) in view of Grima-Gallardo et al. ("A Comparative Study of  $(\text{Cu-III-Se}_2)_x(\text{FeSe})_{1-x}$  Alloys (III: Al, Ga, In) ( $0 \leq x \leq 1$ ) by X-Ray Diffraction, Differential Thermal Analysis and Scanning Electron Microscopy" Phys. Stat Sol. 187, No 2, 395-406, Wiley 2001) Grima-Gallardo. This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claim 1 without prejudice or disclaimer, rendering this rejection moot.

Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Conclusion

As only claims with indicated allowable subject matter are pending in this application, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment or the new claim, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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